

EXHIBIT A

Attorney Declaration Regarding Compliance With Local Rule 16-3

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DECLARATION OF ROBERT HERNQUIST

I, Robert Hernquist, depose and state as follows under penalty of perjury:

1. I am over the age of 18 and mentally competent. I am an attorney licensed to practice in all of the courts in Nevada and I represent Defendant MJ Dean Construction, Inc. (“Defendant” or “MJ Dean”) in this matter.

2. I make this Declaration in support of Defendant’s Eighth Motion in Limine to Exclude Evidence or Argument Regarding Racist Graffiti that Plaintiff Allegedly Saw at the Jobsite. I have personal knowledge of the facts in this matter except for those matters stated upon information and belief, and to those I believe them to be true. If called upon to testify, I could and would do so.

3. On February 6, 2023, my colleague Robert Rosenthal had a telephone call with Plaintiff’s attorney and the parties agreed that we would exchange lists of our proposed motions in limine on Monday, February 13, 2023, and then schedule a meet and confer telephone conference to discuss them later that week.

4. Pursuant to Local Rule 16-3, counsel for the parties then scheduled a meet and confer telephone conference for Friday, February 17, 2023.


5. During the February 17, 2023 meet and confer telephone conference, counsel for MJ Dean (Robert Hernquist and Robert Rosenthal) agreed to two of the five motions in limine proposed by Plaintiff. For the remaining three motions in limine proposed by Plaintiff, counsel for MJ Dean provided the legal and evidentiary reasons for why they could not agree.

6. During the February 17, 2023 meet and confer telephone conference, counsel for the parties discussed the subject motion in limine. I explained Defendant’s position regarding the lack of personal knowledge as to who put up the graffiti and the risk of prejudice, but

Plaintiff's counsel would not agree to withdraw these trial exhibits.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and if called upon as a witness I could and would competently testify thereto.

Dated: February 24, 2023



Robert Hernquist